

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

RUTGERS CASUALTY INSURANCE
COMPANY, individually and on behalf of all
others similarly situated,

Plaintiff,

v.

JOHN P. CALAMOS, SR., Trustee of the Calamos
Convertible and High Income Fund, NICK P.
CALAMOS, former Trustee of the Calamos
Convertible and High Income Fund, WESTON W.
MARSH, Trustee of the Calamos Convertible and
High Income Fund, JOE F. HANAUER, former
Trustee of the Calamos Convertible and High
Income Fund, JOHN E. NEAL, Trustee of the
Calamos Convertible and High Income Fund,
WILLIAM R. RYBAK, Trustee of the Calamos
Convertible and High Income Fund, STEPHEN B.
TIMBERS, Trustee of the Calamos Convertible
and High Income Fund, DAVID D. TRIPPLE,
Trustee of the Calamos Convertible and High
Income Fund, CALAMOS ADVISORS, LLC, an
investment advisor and Delaware limited liability
company, CALAMOS ASSET MANAGEMENT,
INC, a Delaware corporation and publicly-held
holding company, CALAMOS CONVERTIBLE
AND HIGH INCOME FUND, a Delaware
statutory trust, and JOHN AND JANE DOES 1-
100,

Defendants.

) Civil Action No. 1:10-cv-05106

) Honorable Charles R. Norgle, Sr

) **NOTICE OF VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE AS TO
DEFENDANTS**

Plaintiff Rutgers Casualty Insurance Company, by and through the undersigned counsel,
hereby voluntarily dismisses its claims without prejudice against Defendants pursuant to Rule

41(a)(1)(A)(i) of the Federal Rules of Civil Procedure. Defendants have not served an answer or motion for summary judgment to Plaintiff's complaint.

Dated: October 5, 2010

**POMERANTZ HAUDEK
GROSSMAN & GROSS LLP**

By: s/Patrick V. Dahlstrom
Patrick V. Dahlstrom

10 South LaSalle Street, Suite 3505
Chicago, IL 60603
Telephone: 312-377-1181
Facsimile: 312-377-1184
pdahlstrom@pomlaw.com

**POMERANTZ HAUDEK
GROSSMAN & GROSS LLP**

Marc I. Gross
Murielle J. Steven
Jeremy A. Lieberman
100 Park Avenue, 26th Floor
New York, New York 10017
Telephone: 212-661-1100
Facsimile: 212-661-8665
migross@pomlaw.com
mjsteven@pomlaw.com
jalieberman@pomlaw.com

Attorneys for Plaintiff